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Signature: June Webber

PATENT
Docket No. P1188

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: ABHA AHUJA, EXAMINER: UNASSIGNED
MATT AYERS
BEN BLACK
CHRIS BROWN
DANIEL T. COHN
STEPHEN RAMSEY
OPHIR RONEN
PAUL J. SCHACHTER
OSCAR B. STIFFELMAN
CHRISTOPHER D. WHEELER

SERIAL NO.: 09/644,221 ART UNIT: 2151

FILED: AUGUST 22, 2000

FOR: METHOD AND SYSTEM FOR OPTIMIZING ROUTING THROUGH
MULTIPLE AVAILABLE INTERNET ROUTE PROVIDERS

BOX MISSING PARTS
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

PETITION UNDER 37 CFR 1.47

Dear Sir:

In response to the Notice to File Missing Parts mailed October 4, 2000, it is respectfully requested that the requirement for the filing of the oath or declaration of inventor Ophir Ronen be satisfied in view of this Petition Under 37 CFR 1.47.

STATEMENT OF FACTS

1. The U.S. Patent and Trademark Office issued a Notice to File Missing Parts on

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October 4, 2000, stating in pertinent part, that the Oath or Declaration was missing or unsigned.

2. Inventor Ophir Ronen is on extended sabbatical leave from the proposed assignee, InterNAP Network Services, Inc, of Seattle, Washington.

3. It is believed that Ophir Ronen is not residing in any one place. Rather, Mr. Ronen is continually traveling without permanent residence.

4. While the documents were sent to Mr. Ronen to his last known temporary address by the proposed assignee of the present application, it is believed he never received them or they were lost after he received and returned them, because the signed documents have not been received by the proposed assignee.

5. No further effort has been made to contact Ophir Ronen in view of the extent of this known travel plans to remote places and countries foreign to the United States from which he is unable to communicate with the proposed assignee because of such remoteness. Mr. Ronen's itinerary and return date is unknown.

6. The last known address of Ophir Ronen is submitted herewith.

7. Proof of the pertinent facts is attached hereto.

8. The required petition fee is submitted herewith.

EXHIBITS IN SUPPORT OF PETITION

1. Notice to File Missing Parts with mailing date of April 13, 1999 (Exhibit A).

2. Copy of Heather Griffiths' letter to Shirley G. Shepard dated September 11, 2000. (Exhibit B).

3. Copy of letter and documents sent via certified mail to the proposed assignee on October 25, 2000. (Exhibit C).

4. Copy of Shirley G. Shepard's handwritten file notes (Exhibit D).

5. Declaration of F. David LaRiviere in Support of Petition to the Commissioner Under 37 CFR 1.47(A) Filing When an Inventor Is Unavailable (Exhibit E).

STATEMENT OF THE CIRCUMSTANCES

This application was filed on August 22, 2000, with missing parts. One of the missing parts was the Oath and Declaration. A Notice To File Missing Parts of Patent Application was mailed from the Patent Office on October 4, 2000, copy of which is attached as Exhibit A.

A letter and Declaration form was sent via certified mail to the proposed assignee for

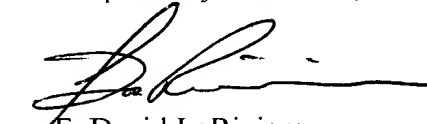
signature by Ophir Ronen and his co-inventors on October 25, 2000. (Exhibit C).

There were ten inventors, namely: Abha Ahuja, Matt Ayers, Ben Black, Chris Brown, Daniel T. Cohn, Stephen Ramsey, Ophir Ronen, Paul J. Schachter, Oscar B. Stiffelman, and Christopher D. Wheeler. Abha Ahuja, Matt Ayers, Ben Black, Chris Brown, Daniel T. Cohn, Stephen Ramsey, Paul J. Schachter, Oscar B. Stiffelman, and Christopher D. Wheeler signed the Declaration, and returned the signed Declaration to LaRiviere, Grubman & Payne, LLP. The missing parts, including the signed Declaration of F. David LaRiviere and the Assignment Agreement of Ms. Ahuja and Messrs. Ayers, Black, Brown, Cohn, Ramsey, Schachter, Stiffelman and Wheeler are filed herewith.

CONCLUSION

In view of the unavailability of Ophir Ronen to execute the Oath or Declaration required for filing the present patent application, the co-inventors and their Assignee, InterNAP Network Services, Inc., are believed to be entitled to make such application on behalf of Ophir Ronen and as agent for their co-inventor.

Respectfully submitted,



F. David LaRiviere
Pat. Reg. No. 27,207

FDL/kr
December 1, 2000
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